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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,266	11/29/2000	Shinichi Naohara	Q62049	8853

7590

09/15/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

HOLDER, REGINA NEAL

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 09/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,266

Applicant(s)

NAOHARA ET AL.

Examiner

Regina N. Holder

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 7/2/03 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2651

***Response to Amendment***

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: In line 7 of claim 1, "on said storage means" is awkwardly worded. The examiner suggests --in said storage means--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 7-10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata (JP 09134586) in view of Kato et al (6,094,647).

Regarding claim 1, Katsumata teaches a recording/reproducing apparatus comprising storage means (HD) on which the information is written in a prescribed number of groups, means for reading the information on the recording medium (disks), and control means (CPU 11) for controlling the write in the storage means of at least a prescribed time of information corresponding to a beginning address of each of the groups. See the Solution. However, Katsumata does not teach the information in the storage means is read at a speed which is higher than or equal to a speed at which the information is reproduced.

Kato et al teaches the information in the storage means is read at a speed which is higher than or equal to a speed at which the information is reproduced. See col. 13 lines 59-67.

Art Unit: 2651

It would have been obvious to one of ordinary skill in the art at the same time the invention was made to modify the teachings of Katsumata to include the teachings of Kato et al, motivation being to transfer data at a high rate.

Regarding claim 3, Katsumata teaches the control means controls the write of information read from the recording medium while it controls reproduction of the information written in the storage medium at any time. See the Solution.

Regarding claim 5, Katsumata teaches the control means correlatively manages the prescribed time of information written in the storage means and the recording medium in which it has been written. See the Solution.

Regarding claim 7, Katsumata teaches a holding member for holding a plurality of media, wherein the control means cause the storage means to store the prescribed time of information relative to all the recording media held in the holding member. See the solution. The holding member for holding a plurality of media is taught because Katsumata teaches a plurality of cds. There must be some member holding the plurality of disks. See fig. 1 also.

Regarding claim 8, Katsumata teaches after the control means causes the storage means to store the prescribed time of information relative to all the recording media held in the holding member, it continues reproduction using the information remaining in the storage means. See the solution. The holding member for holding a plurality of media is taught because Katsumata teaches a plurality of cds. There must be some member holding the plurality of disks. See fig. 1 also.

Regarding claim 9, Katsumata teaches after the control means causes the storage means to store the prescribed time of information relative to all the recording media held in the holding

Art Unit: 2651

portion, it continues reproduction using the information recording in the recording media. See the solution. The holding portion for holding a plurality of media is taught because Katsumata teaches a plurality of cds. There must be some member holding the plurality of disks. See fig. 1 also.

Regarding claim 10, Katsumata teaches the recording means is a compact disk (disks) and the storage means is a hard disk drive (HD). See the solution.

Regarding claims 12 and 13, Katsumata teaches the control means controls the write in the storage means of at least the prescribed time or quantity of information corresponding to a beginning address of each of the groups. See the solution

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata in view of Kato et al as applied to claim 1 above, and further in view of Kumagai (6,449,226). The teachings of Katsumata and Kato et al are described above. However, Katsumata and Kato et al do not teach reading the information on the recording medium at a speed of N-times as high as the normal speed.

Kumagai teaches a recording/reproducing apparatus reading the information on the recording medium at a speed of N-times as high as the normal speed. See col. 5 lines 48-59.

It would have been obvious to one of ordinary skill in the art at the same time the invention was made to modify the teachings of Katsumata and Kato et al to include the teachings of Kumagai, motivation being to help provide the data continuously.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata in view of Kato et al as applied to claim 1 above, and further in view of Ohtomo (5,661,706). The

teachings of Katsumata and Kato et al are described above. However, Katsumata and Kato et al do not teach the control means cross fades each of the groups with a subsequent group.

Ohtomo teaches the control means cross fades each of the groups with a subsequent group, such that information is continuously reproduced. See col. 13 line 11 – col. 14 line 32.

It would have been obvious to one of ordinary skill in the art at the same time the invention was made to modify the teachings of Katsumata and Kato et al to include the teachings of Ohtomo, motivation being to provide real time editing and processing.

*Allowable Subject Matter*

6. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments with respect to claims 1-3, 5, and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

Art Unit: 2651

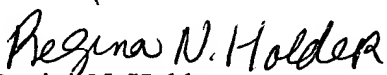
THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina N. Holder whose telephone number is (703) 308-4078.

The examiner can normally be reached on 6:30 a.m. - 5:00 p.m. Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Regina N. Holder  
Primary Examiner  
Art Unit 2651

rnh  
September 9, 2003